

Serial No. 10/585,728
Reply to Office Action dated November 9, 2010

Docket No. 1006/0168PUS1

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present application is respectfully requested. Claims 1, 3-16 and 19-24 are pending in the above application, of which claims 1, 13, 17 and 20 are independent. By the above amendment, claim 16 has been cancelled without prejudice.

The Office Action dated November 9, 2010, has been received and carefully reviewed. In that Office Action, claim 16 was rejected under 35 U.S.C. 102(b) as being anticipated by Ichishi, and claims 20 and 23 were rejected under 35 U.S.C. 102(b) as being anticipated by JP 7-102775B (referred to in the Office Action and hereinafter as

"Hara"). Claims 1, 3-8, 10-12, 14, 15 and 17 were rejected under 35 U.S.C. 103(a) as

being unpatentable over Ichishi in view of Hara; claim 9 was rejected under 35 U.S.C.

103(a) as being unpatentable over Ichishi in view of Hara and further in view of Nishino;

and claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi in

view of Hara and further in view of Isobe. In addition, claim 19 was rejected under 35

U.S.C. 103(a) as being unpatentable over Hara in view of Yoshinori, claims 21 and 22

were rejected under 35 U.S.C. 103(a) as being unpatentable over Hara in view of Isobe,

and claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hara in

view of Ichishi. It is believed that all pending claims are allowable over the art of record,

and reconsideration and allowance of the claims is respectfully requested in view of the

above amendments and the following remarks.

By the above amendment, claim 16 has been cancelled. All remaining claims are rejected at least in part based on a Japanese language reference, JP 7-102775B. The record does not include a translation of this reference or even an English language

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abstract of the reference. However, the examiner discusses the operation of the reference as if working from an English language translation. MPEP 706.02 provides that if a document used as a reference "is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection." It is respectfully submitted that none of the rejections constitute prima facie rejections because there is no English language translation of the document relied upon by the examiner in the record.¹

It is respectfully requested that the examiner issue a new Office Action and provide an English language translation of Hara to complete the record and comply with MPEP 706.02. To advance prosecution, remarks concerning the Hara reference are provided below. These remarks should not be construed as admissions regarding any teaching in Hara, and Applicant will provide additional / substitute remarks once an English translation of Hara has been reviewed.

It appears that Hara is being relied upon to teach the concept of "spot jet outflow" and "diffuse outflow." Based on the drawing figures of Hara and on the examiner's statements regarding Hara in the Office Action, it appears that Hara might teach vents having vanes that can be moved back and forth by a motor. Figures 2 and 3 of Hara might show that these vanes can be moved back and forth over a small angular range or over a larger angular range. Assuming arguendo that this is taught by Hara, it is respectfully submitted that such teaching does not show spot jet outflow and diffuse jet outflow. If Figure 2 is interpreted to show a spot jet outflow sweeping over a narrow

¹ To advance prosecution, Applicant attempted to obtain a free machine translation of Hara from the JPO and EPO websites, but no such translation appears to be available.

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angular range, then Figure 3 merely shows the same spot jet flow sweeping over a greater angular range. Similarly, if Figure 3 is interpreted to show a diffuse outflow, the flow does not become any less diffuse if it sweeps over a smaller angular range in Figure 2. Because every outstanding rejection relies on Hara showing spot jet outflow and diffuse outflow and Hara does not disclose such outflows, all claim rejections are respectfully traversed. If any rejections based on Hara are maintained after a translation of this reference is provided, it is respectfully requested that the examiner explain how the nature of an outflow from a vent is believed to change between spot jet outflow and diffuse outflow based on the movement of the Hara's vanes.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that claims 1, 3-15 and 19-24 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact the undersigned attorney at the telephone number listed below.

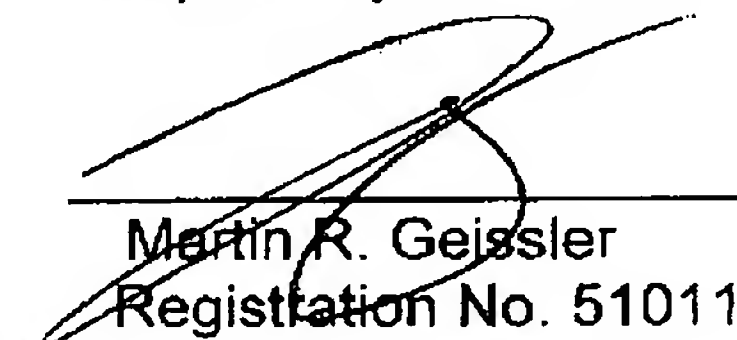
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Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,



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